IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Bail Appl..No. 2038 of 2007()

AGAINST THE ORDER IN CC.145/1996 IN LP.10/1997
of J.M.F.C.,OTTAPPALAM
CRIME NO.33/1993 OF CHERUPLLASSERY POLICE STATION

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PETITIONER

HAMSA S/O HYDROS, MELETHIL VEEDU,
VALLAPPUZHA (POST), OTTAPPALAM TALUK

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

STATE OF KERALA REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, EKM.

BY PP P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2038/2007

Dated this 29th day of March, 2007

O R D E R

The petitioner, who is the first accused in Crime No.33/1993 of Cherupllassery Police Station for an offence punishable under Section 420 IPC read with Section 34 IPC, seeks anticipatory bail.

2. Consequent on the non appearance of the petitioner in C.C.No.145/1996 on the file of the J.F.C.M, Ottappalam, the case against him was transferred to the long pending register as L.P.10/1997. The non bailable warrants of arrest are pending against the petitioner.

3. Anticipatory bail cannot be granted to nullify the process issued by a Court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate having jurisdiction and files and application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non appearance and also after considering his

contention that the co-accused in the case has been acquitted after trial.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs